

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director/
(954) 797-1101

PREPARED BY: Ingrid Allen, Planner III

SUBJECT: Code text amendment: ZB(TXT) 6-1-08 Banners

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE VIII. SIGNS, LIGHTING, DIVISION 1. SIGNS, SECTION 12-238 (C) BUILDING PERMITS REQUIRED EXCEPTIONS; PROVIDING FOR BANNERS AND SIMILAR TEMPORARY SIGNS ON TOWN PROPERTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Local Planning Agency recommended approval subject to a change in the title to read "Town-owned property"

REPORT IN BRIEF: At the March 19, 2008 Town Council meeting, the issue of banners and similar temporary signs at Pine Island Park was brought up as part of discussion of a Resolution authorizing the Town to enter into a field rental agreement for use of athletic fields. Banners and similar temporary signs have often been used at the parks at the discretion of the Parks and Recreation Department but it is now clear that there is no specific provision in the Land Development Code allowing such signs.

The proposed amendment to the Code would exempt banners and similar temporary signs on Town-owned property from a building permit and instead simply allow such signage to be administered by the Town Administrator or his designee in pursuant to guidelines established by resolution of the Town Council. This exception is warranted because the signage is of a limited scale and serves a public purpose. Moreover, because Town-owned property is ultimately under the control of the Town Administrator and the Council, any negative effects of this policy can be easily corrected administratively.

PREVIOUS ACTIONS: At the August 6, 2008 Council meeting, this application was approved on first reading with direction to add a provision for adopting guidelines by resolution. (Motion carried 5-0).

CONCURRENCES: At the July 9, 2008 Local Planning Agency meeting, Chair McLaughlin made a motion, seconded by Ms. Turin, to approve subject to a change in the title to read “TOWN-OWNED PROPERTY.” (Motion carried 4-0)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff recommends approval of this ordinance.

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE VIII. SIGNS, LIGHTING, DIVISION 1. SIGNS, SECTION 12-238 (C) BUILDING PERMITS REQUIRED EXCEPTIONS; PROVIDING FOR BANNERS AND SIMILAR TEMPORARY SIGNS ON TOWN PROPERTY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie has authority over Town-owned property; and

WHEREAS, a provision to provide for banners and similar temporary signs on Town-owned property is appropriate; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on July 9, 2008; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the above foregoing whereas clauses are hereby incorporated.

SECTION 2. That Section 12-238(C), Building Permits Required; Exceptions, of the Land Development Code of the Town of Davie, Florida (the "Town"), is hereby amended to read as follows:

- (C) *Building Permits Required; Exceptions:* No person shall erect, alter, or relocate any sign within the incorporated areas of the town without first obtaining a building permit, with the following exceptions:
- (1) Memorial signs and tablets displayed on public property or in cemeteries;
 - (2) Address numerals and signs not exceeding one (1) square foot in area and bearing the names of occupants of the premises;
 - (3) Legal notices;
 - (4) Traffic-control and directional signs; off-street parking signs. The maximum size of such signs shall not exceed three (3) square feet in area each and shall bear no advertising.

- (5) Governmental signs and governmental entity flags, which are the official flags of the United States, State of Florida, Broward County, the Town of Davie or other recognized governmental agency and which are properly displayed.
- (6) "No Trespassing" and "No Dumping" signs; provided, that no such sign shall exceed two (2) square feet in surface area.
- (7) Combined on-site nameplates and addresses for residences, provided, that no such combined nameplate and address sign shall exceed three (3) square feet of combined area.
- (8) No more than one (1) "Open/Closed" and one (1) "Vacancy/No Vacancy" sign, not to exceed two (2) square feet in area each, may be displayed for each business.
- (9) The change of copy on permitted changeable copy signs.
- (10) Real estate signs provided that they adhere to the provisions of section 12-243(D)(2) of this article.
- (11) Temporary development signs provided that they adhere to the provisions of section 12-243(D)(3) of this article.
- (12) Window and wall openings signs provided that they adhere to the provisions of section 12-238(D)(1) and (2) of this article.
- (13) Signs erected, used or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm. It is specifically recognized that any structure that would otherwise constitute a billboard, shall be subject to all of this Code's conditions, restrictions and prohibitions applicable to billboards.
- (14) A noncommercial sign located in a residentially zoned district not exceeding two (2) square feet in area and three (3) feet in height. No illumination of the sign shall be permitted.
- (15) Banners and similar temporary signs on Town-owned property which are 25 square feet or less per face, not prohibited pursuant to Section 12-238(J), and approved by the Town Administrator or his/her designee pursuant to guidelines established by resolution of the Town Council.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, title, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____DAY OF _____, 2008.

PASSED ON SECOND READING THIS ____DAY OF _____, 2008.

MAYOR/COUNCILMEM
BER

ATTEST:

TOWN CLERK

APPROVED THIS ____DAY OF _____, 2008.